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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Case No. 1:19-cr-227
(LVJ)

v.

February 26, 2024

JOSEPH BONGIOVANNI,

Defendant.

TRANSCRIPT EXCERPT - EXAMINATION OF PAUL C. PARISI, ESQ.
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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And

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BY: PARKER ROY MacKAY, ESQ.
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PRESENT:

BRIAN A. BURNS, FBI Special Agent
MARILYN K. HALLIDAY, HSI Special Agent
KAREN A. CHAMPOUX, USA Paralegal

10:07AM 1 **THE COURT:** You may.

10:07AM 2

10:07AM 3 **DIRECT EXAMINATION BY MR. DICKSON:**

10:07AM 4 Q. Good morning, sir.

10:07AM 5 A. Good morning.

10:07AM 6 Q. Will you introduce yourself to the jury, please?

10:07AM 7 A. My name is Paul Parisi. I'm an attorney. I used to work
10:07AM 8 at the U.S. Attorney's Office from 2017 through 2022.

10:07AM 9 Currently, I work for the Treasury Department as -- in the
10:07AM 10 Office of the Chief Counsel to the IRS. And I've been an
10:07AM 11 attorney for about 16 years, most of that as a federal and
10:07AM 12 state prosecutor leading up to my current job.

10:08AM 13 Q. While you were at the U.S. Attorney's Office, what was
10:08AM 14 your job?

10:08AM 15 A. I was -- I had a few. But when it started, I was in the
10:08AM 16 narcotics and organized crime section as a line assistant, as
10:08AM 17 we called it, it's the ones who just handle cases that come
10:08AM 18 in.

10:08AM 19 I was also the coordinator for the Project Safe
10:08AM 20 Neighborhood program, which is a national program to reduce
10:08AM 21 violence throughout those cities in the nation.

10:08AM 22 And then by the end of my career, I was in the asset
10:08AM 23 recovery division.

10:08AM 24 Q. Were you an Assistant United States Attorney?

10:08AM 25 A. Yes.

10:08AM 1 Q. Mr. Parisi, while you were with the U.S. Attorney's
10:08AM 2 Office, did you work with federal agencies?

10:08AM 3 A. I did.

10:08AM 4 Q. What kind of federal agencies did you work with?

10:08AM 5 A. A lot. So FBI, DEA, ATF, Homeland Security, IRS.

10:08AM 6 Q. When you worked with the DEA, what kinds of cases would
10:08AM 7 you work with the DEA?

10:08AM 8 A. Narcotic drug cases.

10:08AM 9 Q. As an AUSA, Mr. Parisi, did you ever secure search
10:09AM 10 warrants to further an investigation that you were doing?

10:09AM 11 A. Yes.

10:09AM 12 Q. Can you explain to the jury what a search warrant is?

10:09AM 13 A. Yes. Under the Constitution, the government needs to
10:09AM 14 show probable cause to believe that there -- a crime was
10:09AM 15 committed, and that there is evidence of a crime in a certain
10:09AM 16 location, whether that's a person's house, a person's car,
10:09AM 17 could be a bank, could be a business, wherever it is, if
10:09AM 18 you're looking for physical objects.

10:09AM 19 So what happens in the case is a law enforcement officer
10:09AM 20 from the state, federal, county, will get ahold of us, they
10:09AM 21 will put together an affidavit, which is the sworn
10:09AM 22 allegations of fact to put together, and then we present
10:09AM 23 that -- we review that, we present it to a judge, who -- the
10:09AM 24 judge has to determine if there is probable cause to proceed,
10:09AM 25 and to authorize the search which has to be done of the

10:09AM 1 premises that are detailed in the affidavit.

10:10AM 2 Q. As part of that affidavit that you were talking about,
10:10AM 3 well, let me ask you this. Who writes the affidavit?

10:10AM 4 A. The law enforcement officer.

10:10AM 5 Q. Okay. And as part of writing that affidavit, do the --
10:10AM 6 does the law enforcement officer have to include their
10:10AM 7 training and experience that's relevant to whatever case
10:10AM 8 you're investigating?

10:10AM 9 A. Yes. They put their base of knowledge, their experience,
10:10AM 10 their relevant experience for that investigation to -- so the
10:10AM 11 judge can determine if they have the appropriate experience
10:10AM 12 to help factor in, because they're making -- they're putting
10:10AM 13 factual assertions in there, but they're also making
10:10AM 14 conclusions based on their experience. So the judge is going
10:10AM 15 to want to see what their experience is so they can determine
10:10AM 16 that they have the actual experience for those conclusions.

10:10AM 17 Q. And so after the agent writes that affidavit, including
10:10AM 18 their training and experience, what happens next in the
10:10AM 19 process in terms of that affidavit?

10:10AM 20 A. So an AUSA will review that, and usually makes some
10:10AM 21 edits, just whether it's grammar, whether it's we determine
10:11AM 22 there needs to be more investigation done, or there needs to
10:11AM 23 be more information, we have questions about it, so we can
10:11AM 24 add more to it. The law enforcement agent will make the
10:11AM 25 suggested -- or, will incorporate the suggestions, put

10:11AM 1 another draft together.

10:11AM 2 But once it is complete on our end, we submit that
10:11AM 3 package to the Court for the Court to review and determine if
10:11AM 4 there's sufficient probable cause.

10:11AM 5 Then at that point in time, we'll go over to the court --
10:11AM 6 courtroom, which is in this building, where one of the judges
10:11AM 7 in this building, and will -- a judge will have the law
10:11AM 8 enforcement officer swear to the contents of the affidavit
10:11AM 9 under oath.

10:11AM 10 And then the law enforcement agent will sign it in front
10:11AM 11 of the judge. And then the judge will sign it if the judge
10:11AM 12 authorizes it.

10:11AM 13 Q. When you say "swear to the contents of the affidavit," is
10:11AM 14 the agent swearing all the stuff in the affidavit is true and
10:11AM 15 accurate?

10:11AM 16 A. Yes.

10:11AM 17 Q. Mr. Parisi, do you know somebody named Joseph
10:11AM 18 Bongiovanni?

10:11AM 19 A. I do.

10:11AM 20 Q. How do you know him?

10:11AM 21 A. He was a DEA agent when I was working as an AUSA.

10:12AM 22 Q. And did you work with the defendant while you were an
10:12AM 23 AUSA?

10:12AM 24 A. I did.

10:12AM 25 Q. Mr. Parisi, I want to show you a document.

10:12AM 1 **MR. DICKSON:** Can we show for the witness only,
10:12AM 2 please, Government Exhibit 145?

10:12AM 3 **THE CLERK:** It's not coming on.

10:12AM 4 **MR. TRIPI:** We don't have it on our screens.

10:12AM 5 **MR. COOPER:** The monitor in the gallery is on. I
10:12AM 6 think Karen is waiting.

10:12AM 7 Karen hasn't displayed it yet because the monitor in
10:12AM 8 the gallery is on.

10:12AM 9 **THE CLERK:** Okay. So now it's off. It should be
10:12AM 10 off.

10:12AM 11 **THE WITNESS:** I can see it now.

10:12AM 12 **MR. DICKSON:** All good? Thank you.

10:12AM 13 **BY MR. DICKSON:**

10:12AM 14 Q. Mr. Parisi, what is this document here?

10:12AM 15 A. The whole document? Or just the page that I'm looking
10:13AM 16 at?

10:13AM 17 Q. Well, we can scroll through the whole document, but have
10:13AM 18 you seen this document before?

10:13AM 19 A. Yes. This is the application for a search warrant of
10:13AM 20 163 Kenview Road, an apartment, and a vehicle.

10:13AM 21 Q. Who is the agent who wrote the contents of this document?

10:13AM 22 A. Joseph Bongiovanni.

10:13AM 23 Q. Is this an affidavit -- is part of this document an
10:13AM 24 affidavit that you reviewed in your capacity as an AUSA?

10:13AM 25 A. Yes. Part of the application for the search warrant is

10:13AM 1 that affidavit.

10:13AM 2 Q. And are parts of this document redacted, Mr. Parisi?

10:13AM 3 A. Yes.

10:13AM 4 Q. Aside from those redactions, is this document a fair and
10:13AM 5 accurate copy of that search warrant application that you
10:13AM 6 reviewed?

10:13AM 7 A. Can you just scroll through the pages so I can make sure
10:13AM 8 that -- thank you. Yes. This is a fair and accurate copy of
10:14AM 9 the, except for the redactions, of the search warrant
10:14AM 10 application.

10:14AM 11 **MR. DICKSON:** Your Honor, at this time, the
10:14AM 12 government moves Government Exhibit 145 into evidence.

10:14AM 13 **MR. MacKAY:** No objection, Your Honor. The only
10:14AM 14 thing I note though is -- I think it's -- is it 12.

10:15AM 15 I'm sorry, it's page 15 of the document,
10:15AM 16 paragraph 14, does list the target of the warrant that was not
10:15AM 17 redacted. As I sit here today, I don't know if that person
10:15AM 18 was ever charged or whether it's an appropriately redacted
10:15AM 19 name.

10:15AM 20 **THE WITNESS:** I could probably.

10:15AM 21 **MR. DICKSON:** Judge --

10:15AM 22 **THE COURT:** Should that have been redacted?

10:15AM 23 **MR. DICKSON:** Yeah, I think we can redact that out,
10:15AM 24 Judge. I apologize.

10:15AM 25 **THE COURT:** So it's admitted with that redaction. I

10:15AM 1 caught that, too, Mr. MacKay. It's admitted with that
10:15AM 2 redaction.

10:15AM 3 **MR. DICKSON:** Thank you.

10:15AM 4 **(GOV Exhibit 145 was received in evidence.)**

10:15AM 5 **MR. DICKSON:** Can we publish that for the jury,
10:15AM 6 please?

10:15AM 7 **THE COURT:** Yeah, except let's not publish that page.

10:15AM 8 **MR. DICKSON:** Sure.

10:15AM 9 **THE COURT:** We don't think we need to publish that
10:15AM 10 page, do we?

10:15AM 11 **MR. DICKSON:** Nope. We won't publish that.

10:15AM 12 **BY MR. DICKSON:**

10:15AM 13 Q. All right. Mr. Parisi, so on this first page here, do
10:15AM 14 you see where it says sort of halfway down the page, it says
10:15AM 15 the search is related to violations of? Do you see that?

10:15AM 16 A. Yes.

10:15AM 17 Q. And then does it list some statutes next to it?

10:15AM 18 A. It does.

10:15AM 19 Q. Generally, Mr. Parisi, are those statutes related to drug
10:16AM 20 crimes?

10:16AM 21 A. Yes, they are. Section 21 is the narcotics, the drug
10:16AM 22 crimes section of the United States Code.

10:16AM 23 Q. Okay. And then who is the special agent who is -- who
10:16AM 24 has signed his name on this warrant application?

10:16AM 25 A. Joseph Bongiovanni.

10:16AM 1 **MR. DICKSON:** Can we go to page 4 of this document,
10:16AM 2 please?

10:16AM 3 **BY MR. DICKSON:**

10:16AM 4 Q. All right. Do you see this here, Mr. Parisi? Is that on
10:16AM 5 your screen?

10:16AM 6 A. Yes. Paragraph 1, you're talking about?

10:16AM 7 Q. Yeah. Is this the start of the affidavit that
10:16AM 8 Mr. Bongiovanni wrote?

10:16AM 9 A. Yes.

10:16AM 10 Q. Okay. I'm going to start about halfway down that
10:16AM 11 paragraph where it says I have been employed by.

10:16AM 12 **MR. DICKSON:** And can you just zoom in there? Thank
10:16AM 13 you.

10:16AM 14 **BY MR. DICKSON:**

10:16AM 15 Q. Mr. Parisi, can you read that paragraph up through where
10:16AM 16 it says techniques slash methods?

10:16AM 17 A. Yes. It says I have been employed by the DEA since
10:16AM 18 November 1998. Prior to my assignment to the Buffalo
10:16AM 19 resident office, I was assigned as DEA special agent to the
10:17AM 20 Orlando, Florida district office.

10:17AM 21 As part of my employment with the DEA, I successfully
10:17AM 22 completed formalized training at the United States Justice
10:17AM 23 Department Training Facility Drug Enforcement Administration
10:17AM 24 Training Academy. During this training, I received detailed
10:17AM 25 training, both academic and practical application, in the

10:17AM 1 areas of informant handling/debriefing, drug packaging,
10:17AM 2 pricing, importation and trafficking methods.

10:17AM 3 In addition, I received both academic and practical
10:17AM 4 application training in surveillance and counter-surveillance
10:17AM 5 techniques/methods.

10:17AM 6 Q. So just to define a couple of the terms that we just
10:17AM 7 heard there, Mr. Parisi. Where it says informant handling/
10:17AM 8 debriefing, when you reviewed this warrant application, what
10:17AM 9 did you understand the defendant to be saying about informant
10:17AM 10 handling and debriefing?

10:17AM 11 A. The manner and method through which he was trained in how
10:17AM 12 to handle informants, meaning how to find informants, how to
10:17AM 13 detail the conversations with informants, how the DEA
10:18AM 14 requests you to discuss with informants what is supposed to
10:18AM 15 be told to informants, what is supposed to be documented when
10:18AM 16 informants tell you things, and how to appropriately document
10:18AM 17 that for the cases going in the future.

10:18AM 18 Q. Then where it says in addition I received both academic
10:18AM 19 and practical application training in surveillance and
10:18AM 20 counter-surveillance techniques/methods, what did you
10:18AM 21 understand surveillance and counter-surveillance
10:18AM 22 techniques/methods to mean?

10:18AM 23 A. Surveillance, meaning how to appropriately watch a target
10:18AM 24 without being observed, meaning where you should be on the
10:18AM 25 street, how you -- how far you should be away, where you

10:18AM 1 should have cover, how many agents should be involved in
10:18AM 2 those investigations and counter surveillances, how to make
10:18AM 3 sure that you're not getting surveilled and getting watched
10:18AM 4 and people see you, and watch you and what you're doing, to
10:18AM 5 be able to see what law enforcement is up to.

10:18AM 6 Q. Can you just go ahead and read the rest of that paragraph
10:18AM 7 there, and then we'll go to the next page?

10:19AM 8 A. Yes. I received legal instruction in federal drug and
10:19AM 9 conspiracy laws, preparing drug affidavits, the Controlled
10:19AM 10 Substances Act.

10:19AM 11 **MR. DICKSON:** Then if go to the next page, please.

10:19AM 12 **BY MR. DICKSON:**

10:19AM 13 Q. Can you just finish reading that paragraph for us?

10:19AM 14 A. Fourth Amendment searches and seizures, Federal Rules of
10:19AM 15 Evidence, and the execution of search warrants.

10:19AM 16 Based on my training and conversations with other special
10:19AM 17 agents and task force agents of the DEA, I am familiar with
10:19AM 18 how controlled substances are cultivated, manufactured,
10:19AM 19 processed, packaged, distributed, sold, and used within the
10:19AM 20 framework of drug trafficking.

10:19AM 21 In addition, I have participated in numerous
10:19AM 22 investigations that have targeted violators of federal and
10:19AM 23 state narcotics laws, and have purchased narcotics in an
10:19AM 24 undercover capacity.

10:19AM 25 I also have participated in several investigations

1 involving wiretaps, and I have reviewed taped conversations
2 and drug records pertaining to narcotics trafficking.

3 I have also participated in numerous debriefings of
4 narcotics traffickers, cooperating individuals, and sources
5 of information.

6 Q. Mr. Parisi, what is a wiretap?

7 A. It's a recording of listening in or recording of
8 conversations that individuals are having over the phone.

9 Q. Typically in investigations, is getting permission to do
10 a wiretap considered a significant investigative step?

11 A. Yes. Especially for the Department of Justice. There's
12 a large number of levels that have to review it before it's
13 submitted to the Court.

14 Q. A lot of investigation that has to happen before you get
15 authorization to do a wiretap?

16 A. Yes. Months of investigation.

17 Q. And then where it says cooperating individuals there. I
18 have also participated in numerous debriefings of narcotics
19 traffickers, cooperating individuals. What did you
20 understand "cooperating individuals" to mean?

21 A. Individuals who generally are caught doing something
22 illegal, who then are providing information and cooperating,
23 actively cooperating in an investigation to either avoid
24 charges, or to lessen their charges if they are charged with
25 a crime.

10:21AM 1 **MR. DICKSON:** Can we go to page 10, please? Maybe
10:21AM 2 that's wrong. Give me just a second, sorry about that.

10:21AM 3 Page 13. I apologize. And can we zoom in on
10:21AM 4 paragraph D, please?

10:21AM 5 **BY MR. DICKSON:**

10:21AM 6 Q. Can you just read that for the jury, Mr. Parisi?

10:21AM 7 A. Yes. Paragraph D is that persons involved in drug
10:21AM 8 trafficking or significant drug traffickers conceal proceeds
10:21AM 9 of drug sales, records of drug transactions, firearms,
10:21AM 10 ammunition, caches of drugs, large amounts of currency,
10:21AM 11 financial instruments, keys for safe deposit boxes, precious
10:21AM 12 metals, jewelry, and others items of value and/or proceeds of
10:21AM 13 drug transactions, and/or evidence of financial transactions
10:21AM 14 relating to obtaining, transferring, secreting, or spending
10:22AM 15 large sums of money made from engaging in narcotics
10:22AM 16 trafficking in their residences and in other secure
10:22AM 17 locations, including at the residences of their drug
10:22AM 18 associates and/or family members in order to conceal them
10:22AM 19 from law enforcement authorities.

10:22AM 20 Q. Is the defendant still the person who is writing this
10:22AM 21 paragraph?

10:22AM 22 A. Correct.

10:22AM 23 Q. Generally, Mr. Parisi, is this about how drug traffickers
10:22AM 24 might conceal proceeds from their -- the crimes that they're
10:22AM 25 committing?

10:22AM 1 A. Yes.

10:22AM 2 **MR. DICKSON:** And then can we go to the last page of
10:22AM 3 the document, please?

10:22AM 4 **BY MR. DICKSON:**

10:22AM 5 Q. Who signed this affidavit saying that everything in this
10:22AM 6 document was accurate and truthful?

10:22AM 7 A. Joseph Bongiovanni.

10:22AM 8 **MR. DICKSON:** Just one moment.

10:22AM 9 I don't have any more questions, Judge. Thank you.

10:22AM 10 **THE COURT:** Cross?

10:22AM 11

10:22AM 12 **CROSS-EXAMINATION BY MR. MacKAY:**

10:23AM 13 Q. Good morning, Mr. Parisi, how are you?

10:23AM 14 A. Good morning, Mr. MacKay.

10:23AM 15 Q. I see you smiling. You and I have worked against each
10:23AM 16 other in a professional capacity before, correct?

10:23AM 17 A. That's correct.

10:23AM 18 Q. I think both on the state and the federal side?

10:23AM 19 A. That is correct.

10:23AM 20 Q. We've had some dealings before.

10:23AM 21 So, you were shown Exhibit 145, which is both a search
10:23AM 22 warrant and the search warrant affidavit. You saw that
10:23AM 23 there, correct?

10:23AM 24 A. That's correct.

10:23AM 25 Q. Fair to say, though, that -- well, let me back up.

10:23AM 1 You reviewed with the jury a lot of the language in that
10:23AM 2 warrant application, correct?

10:23AM 3 A. Yes.

10:23AM 4 Q. That's the affidavit that the law enforcement agent
10:23AM 5 provides to -- to get the search warrant, correct?

10:23AM 6 A. Yes.

10:23AM 7 Q. And fair to say that a lot of the language is actually
10:23AM 8 boilerplate language, correct?

10:23AM 9 A. Yes. We see it on a fair number of affidavits.

10:23AM 10 Q. Right. So, for example, I think it was paragraph 1,
10:23AM 11 Mr. Bongiovanni talks about some experience of having come
10:24AM 12 from Florida before, correct?

10:24AM 13 A. I'm sorry, can you -- experience of having gone to
10:24AM 14 Florida?

10:24AM 15 Q. He traces his career, and it explains that he was in
10:24AM 16 Florida before, correct?

10:24AM 17 A. Yes.

10:24AM 18 Q. Obviously, that's not going to be in every law
10:24AM 19 enforcement agent's affidavit, correct?

10:24AM 20 A. Right. They're going to put their own experience based
10:24AM 21 on where they were generally.

10:24AM 22 Q. Right. But then after that, we went through some further
10:24AM 23 language in paragraph 1, and then we jumped down to -- I
10:24AM 24 think it was the tenth page of the affidavit. That's the
10:24AM 25 stuff that's generally boilerplate language, correct?

10:24AM 1 A. I --

10:24AM 2 Q. We can show it again.

10:24AM 3 **MR. MacKAY:** Ms. Champoux, can we put Exhibit 145,
10:24AM 4 next page, please.

10:24AM 5 **THE CLERK:** Do you want the jury to see?

10:24AM 6 **MR. MacKAY:** Please.

10:24AM 7 **BY MR. MacKAY:**

10:24AM 8 Q. So right now we're looking at page 10 of the search
10:24AM 9 warrant affidavit. Can you read that?

10:24AM 10 A. Do you want me to read it out loud?

10:24AM 11 Q. No.

10:24AM 12 A. Yes, I see it.

10:24AM 13 Q. Yeah. That's what I'm referring to.

10:24AM 14 That sort of language, that's generally the boilerplate
10:25AM 15 language, correct?

10:25AM 16 A. So, yes, there will be boilerplate language that is in
10:25AM 17 here, but it's tailored to each affidavit a lot of times. So
10:25AM 18 based on the experience of the investigator, but also based
10:25AM 19 on the case, so if they were looking for records in a bank, a
10:25AM 20 bank deposit box, this is going to get tailored to the
10:25AM 21 experience in the investigation of what is, like, a bank
10:25AM 22 deposit box.

10:25AM 23 But this was a case where we're looking at a house and a
10:25AM 24 car. So it's the experience and as tailored what was looking
10:25AM 25 for in the house and the car.

10:25AM 1 **MR. MacKAY:** Ms. Champoux, can we jump up to, it will
10:25AM 2 be page 4 of the document, paragraph 1.

10:25AM 3 **BY MR. MacKAY:**

10:25AM 4 Q. Okay. In on this paragraph -- in this paragraph you're
10:25AM 5 looking at, we see the information about Mr. Bongiovanni
10:25AM 6 being in -- assigned as a DEA special agent at the Orlando,
10:25AM 7 Florida district office first, do you see that, correct?

10:25AM 8 A. Yes.

10:25AM 9 Q. But after that, that's some of the language I'm talking
10:26AM 10 about. That's largely boilerplate, as well, too, the rest of
10:26AM 11 the page?

10:26AM 12 A. It has -- there is -- I guess there's a form that these
10:26AM 13 all follow, is the best way to explain it.

10:26AM 14 So there's a form that these are all going to follow.

10:26AM 15 Whether it's boilerplate or not, those are all tailored --
10:26AM 16 I'm taking Mr. Bongiovanni at his word that he went through
10:26AM 17 all these changes. I'm not individually looking at all of
10:26AM 18 that, but -- or in any case that he had received all of this
10:26AM 19 training.

10:26AM 20 So, yes, there's a form -- this is a format of it, but I
10:26AM 21 see each one a little different based on the person's
10:26AM 22 training and also relevant experience with respect to the
10:26AM 23 investigation.

10:26AM 24 Q. Right. I mean, so for example, this search warrant was
10:26AM 25 in furtherance of a case about fentanyl, correct?

10:26AM 1 A. Yes.

10:26AM 2 Q. So it might not have all the same training and experience
10:26AM 3 or information relevant to a case about marijuana, right?

10:26AM 4 A. Correct.

10:26AM 5 Q. Or if, and I think I understand it here, this was to
10:26AM 6 search a house and a vehicle, correct?

10:26AM 7 A. That's correct.

10:26AM 8 Q. So it might not have all the same information put in
10:27AM 9 there as if we were searching a bank box or something,
10:27AM 10 correct?

10:27AM 11 A. Yes.

10:27AM 12 Q. So, like you said, it's pick and choose based on what
10:27AM 13 we're looking at, and what the crime might be committed,
10:27AM 14 correct?

10:27AM 15 A. Yes, we -- yes, there would changes based on that.

10:27AM 16 Q. But long story short, Mr. Bongiovanni or any law
10:27AM 17 enforcement agent isn't sitting down and writing these from a
10:27AM 18 blank page from total scratch, correct?

10:27AM 19 A. No. Not -- based on my understanding, they're using
10:27AM 20 formats that they have already.

10:27AM 21 Q. Right. And in your experience, you see a lot of the same
10:27AM 22 language pop up over time, correct?

10:27AM 23 A. Yes, that would be correct.

10:27AM 24 Q. Okay. And you talked a little bit at the end about
10:27AM 25 Title III wiretaps, correct?

10:27AM 1 A. Meaning I testified, or I talked about?

10:27AM 2 Q. On direct --

10:27AM 3 A. Yes.

10:27AM 4 Q. -- you talked a little bit about Title III wiretaps?

10:27AM 5 A. Yes.

10:27AM 6 Q. You described them, I think, it's a significant

10:27AM 7 investigative step, correct?

10:27AM 8 A. Correct.

10:27AM 9 Q. They are not used in every drug investigation, correct?

10:28AM 10 A. That's correct.

10:28AM 11 Q. Not only are they a significant step, but they require a

10:28AM 12 lot of work just to get the application for them, correct?

10:28AM 13 A. Yes.

10:28AM 14 Q. You often have to show as an Assistant United States

10:28AM 15 Attorney and as a law enforcement agent that you've done

10:28AM 16 other things before taking the step of asking for a wiretap,

10:28AM 17 correct?

10:28AM 18 A. Yes.

10:28AM 19 Q. You have to -- so, some of the things, for example, you

10:28AM 20 have to show that there might have been something like

10:28AM 21 controlled buys, correct?

10:28AM 22 A. Yes.

10:28AM 23 Q. You might have had to show that there's surveillance on a

10:28AM 24 particular location where somebody might be, or a phone might

10:28AM 25 be located, correct?

10:28AM 1 A. Yes.

10:28AM 2 Q. You might have to have -- well, at least you have to have
10:28AM 3 identified consistent phone numbers, correct?

10:28AM 4 A. That's correct.

10:28AM 5 Q. Okay. And you may have even had to have used
10:28AM 6 confidential informants up to that point, correct?

10:28AM 7 A. That's correct.

10:28AM 8 Q. So long story short, in telling a federal judge that you
10:28AM 9 want to get a warrant about a wiretap, you've got to show
10:28AM 10 through and everything you've done before you've asked for a
10:28AM 11 wiretap, correct?

10:28AM 12 A. That's correct.

10:28AM 13 Q. And I guess I'll just end with you already discussed this
10:29AM 14 was a fentanyl-based search warrant. Had you done other
10:29AM 15 cases with Mr. Bongiovanni in your career?

10:29AM 16 A. This was my first case that I had with him.

10:29AM 17 Q. Okay.

10:29AM 18 A. I remember that, because I was relatively new to the
10:29AM 19 office at the time. So this was the first case -- this might
10:29AM 20 have been the first case I worked with the DEA at the time.
10:29AM 21 So, and it was -- there was -- it was a bigger investigation
10:29AM 22 than just what was in here, too. So there were more facts to
10:29AM 23 this.

10:29AM 24 Q. But my question was just did you deal with him on any
10:29AM 25 other cases?

10:29AM 1 A. Yes, I've dealt with him after this. But I don't think
10:29AM 2 he was the lead case agent on any other cases that I've had
10:29AM 3 like he was on this one, but I've dealt with him on other
10:29AM 4 cases where he was in a supporting role.

10:29AM 5 Q. Okay. Fair to say his -- let me ask it this way. What
10:29AM 6 was the primary drug in those cases that was being targeted?

10:29AM 7 A. In all the cases? I mean, it was everything from heroin,
10:29AM 8 fentanyl, cocaine. I don't know that we worked on any
10:30AM 9 marijuana cases together, but I would say heroin, fentanyl,
10:30AM 10 cocaine.

10:30AM 11 Q. Okay. Thank you Mr. Parisi.

10:30AM 12 **MR. MacKAY:** I have no further questions.

10:30AM 13 **THE WITNESS:** Thank you.

10:30AM 14 **THE COURT:** Any redirect?

10:30AM 15 **MR. DICKSON:** No redirect, Judge.

10:30AM 16 **THE COURT:** Okay. You can step down, sir. Thank you
10:30AM 17 very much.

10:30AM 18 **THE WITNESS:** Thanks, Judge.

10:30AM 19 (Witness excused at 10:30 a.m.)

20 (Excerpt concluded at 10:30 a.m.)

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2 **CERTIFICATE OF REPORTER**

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4 In accordance with 28, U.S.C., 753(b), I
5 certify that these original notes are a true and correct
6 record of proceedings in the United States District Court for
7 the Western District of New York on February 26, 2024.

8

9

10 s/ Ann M. Sawyer
11 Ann M. Sawyer, FCRR, RPR, CRR
Official Court Reporter
U.S.D.C., W.D.N.Y.

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